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12 **FILED**

13 FEB 09 2007

14 **RICHARD W. WIEKING**  
15 CLERK U.S. DISTRICT COURT,  
16 NORTHERN DISTRICT OF CALIFORNIA

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 UNITED STATES OF AMERICA, CR No. 06-0814 MHP  
21 Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
22 v. ) EXCLUDING TIME   
23 JOSE MEDINA-GONZALES, aka JOSE )  
24 OCHOA, )  
25 Defendant. )

26 On February 5, 2007, the parties in this case appeared before the Court and stipulated that  
27 time should be excluded from the Speedy Trial Act calculations from February 5, 2007 to  
28 February 9, 2007 for effective preparation of counsel, in that defense counsel required adequate  
time to obtain additional information relevant to the United States' request that Defendant Jose  
Medina-Gonzales remain in custody. The parties represented that granting the continuance was  
the reasonable time necessary for effective preparation of defense counsel, taking into account  
the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that  
the ends of justice served by granting such a continuance outweighed the best interests of the

1 public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

3 KEVIN V. RYAN  
4 United States Attorney

5 DATED: February 6, 2007

6 /s/  
7 JULIE A. ARBUCKLE  
8 Assistant United States Attorney

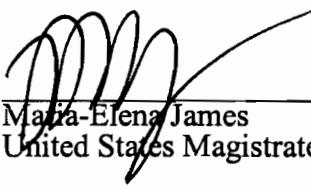
9 DATED: February 7, 2007

10 /s/  
11 STEVEN KOENINGER  
12 Attorney for Defendant Jose Medina-Gonzales

13 As the Court found on February 5, 2007, and for the reasons stated above, the Court finds  
14 that the ends of justice served by the continuance outweigh the best interests of the public and the  
15 defendant in a speedy trial and that time should be excluded from the Speedy Trial Act  
16 calculations from February 5, 2007 to February 9, 2007 for effective preparation of defense  
17 counsel. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would  
18 deny counsel reasonable time necessary for effective preparation, taking into account the exercise  
19 of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

20 SO ORDERED.

21 DATED: 2/9/07

22   
23 Maria-Elena James  
24 United States Magistrate Judge